

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: West Ridge Resources, Inc/West Ridge Mine  
Permit #: C/007/041

NOV # N05-39-1-1  
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The permittee did not e-mail the Division to download the 4<sup>th</sup> quarter water monitoring data by April 1, 2005. This hindered the Division's Hydro from reviewing the information in a timely manner.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: \_\_\_\_\_

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Submitting the quarterly water information using the Electronic Data System is a stipulation of the Mining and Reclamation Permit that is issued every five years. It is also a requirement of the R645 Coal Rules.

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: Not in the last year.

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The permittee submitted the fourth quarter water information prior to the abatement date. Good faith points should be given.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Yes, an e-mail to the Division to download the water information.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: \_\_\_\_\_

Stephen J. Demczak  
Authorized Representative

\_\_\_\_\_  
Signature

April 19, 2005  
Date